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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,367	04/16/2007	Petrus Theodorus Jutte	1009-016	2282
47654 7590 07/18/2008 BAINWOOD HUANG & ASSOCIATES LLC 2 CONNECTOR ROAD WESTBOROUGH, MA 01581				
EXAMINER				
PHAM, VAN T				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
07/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/574,367

**Applicant(s)**

JUTTE ET AL.

**Examiner**

VAN T. PHAM

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-9, 11-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendriks et al. (US 2003/0026190).

Regarding claim 1, disclosed an optical data reading/writing device for reading/writing to an information layer, the device comprising at least a first radiation source for generating a radiation beam and an optical system for converging the radiation beam on the information layer and for converging the radiation beam reflected by the information layer onto a detector, wherein the optical system incorporates a wavelength sensitive structure which compensates for a temperature-induced defocusing of the optical system (see Figs. 1-2, laser 11, detector 25, compensator 16, [0012], [0023]);

Regarding claims 2, 6-9, discloses an optical data reading/writing device as claimed in claim 1, in which the wavelength sensitive structure is a part of a refracting pre-collimator, a beam-shaper or a sensor lens of the optical system; the wavelength sensitive structure is a grating structure; the wavelength sensitive structure is a stepped phase structure; the wavelength sensitive structure is a non-periodic phase structure; and the wavelength sensitive structure is a diffractive

structure (see Fig. 2); and the wavelength sensitive structure faces its respective radiation source (see Figs. 1-2).

Regarding claims 12, 16 see rejection above of claim 1.

Regarding claim 13, see rejection above of claim 11.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-5, 10 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendriks et al. (US 2003/0026190) in view of Jutte (US 2002/0060975).**

Regarding claims 3-5, 10, 14-15, Hendriks discloses an optical data reading/writing device as claimed in claim 1.

Jutte discloses the wavelength sensitive structure is located out of a common path for the radiation beam (see Fig. 1, [0008]); the wavelength sensitive structure is located between the at least one radiation source and a pre-collimator/beam-shaper of the optical system (see Fig. 1); the wavelength sensitive structure is located between a beam-splitter element and a detector element of the optical data reading/writing device (see Fig. 1), incorporates multiple radiation sources for

reading/writing to different types or formats of information layer (see Fig. 1, radiation sources 1, 31, medium CD and DVD); and the wavelength sensitive structure faces its respective radiation source (see Fig. 1 and [0017]); includes compensating for defocusing in at least two elements of the optical system (see [0028]) and each of said elements has an associated wavelength sensitive structure (see Fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide multiple radiation sources for reading/writing to different types or formats of information layer in Hendriks as suggested by Jutte, the motivation being in order to read/write to different types of formats of information layer.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN T PHAM/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627